

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Case No.: 16-17517
Diane Rossi	:	Chapter 13
	:	Judge Stephen Raslavich
Debtor(s)	:	*****
	:	
Wells Fargo Bank, N.A.	:	Date and Time of Hearing
	:	Place of Hearing
vs	:	September 13, 2017 at 10:00 a.m.
	:	
Diane Rossi	:	U.S. Bankruptcy Court
Gilberto Carrasquillo	:	900 Market Street
	:	Philadelphia, PA, 19107
Frederick L. Reigle	:	
Respondents.	:	

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY
TO PERMIT WELLS FARGO BANK, N.A. TO FORECLOSE ON 11614 HENDRIX
TERRACE, PHILADELPHIA, PA 19116 WITH 30-DAY WAIVER (FIRST
MORTGAGE)**

Wells Fargo Bank, N.A. (the "Creditor") moves this Court, under Bankruptcy Code §§ 361, 362, 363, 1301, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, or dissolving the automatic stay imposed by Bankruptcy Code § 362, and the Co-Debtor Stay imposed by Bankruptcy Code § 1301 as to Gilberto Carrasquillo, and avers as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. Diane Rossi ("Debtor") filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on October 26, 2016, ("Petition").

5. Debtor and Gilberto Carrasquillo ("Co-Debtor") are currently obligated to Wells Fargo Bank, N.A., under the terms of a certain Note, dated November 3, 2005, in the original principal amount of \$101,397.80 executed by Debtor and Co-Debtor (hereinafter "Debt Agreement").

6. As security for repayment of the Debt Agreement, Debtor executed a certain Mortgage, dated of even date and of even amount, currently in favor of Wells Fargo Bank, N.A., with respect to certain real property owned by the Debtor located at 11614 Hendrix Terrace, Philadelphia, PA 19116 (hereinafter "Mortgaged Premises") and being recorded in Philadelphia County Recordings Office at Instrument Number 51317578 on November 19, 2005 in the Office of the Recorder of Deeds in and for Philadelphia County, Pennsylvania ("Mortgage").

7. Debtor(s) executed a promissory note (the "Debt Agreement") secured by a mortgage or deed of trust. The Debt Agreement is made payable to Creditor. Creditor has possession of the Debt Agreement. Creditor is the original mortgagee/successor or beneficiary of the mortgage or deed of trust.

8. Debtor and Co-Debtor have failed to make post-petition mortgage payments for the past 9 months, as of July 13, 2017.

9. Due to said failure by Debtor and Co-Debtor to make payments when due, Creditor lacks adequate protection of its security interest in the Mortgaged Premises.

10. The unpaid principal balance and the amount past due to Wells Fargo Bank, N.A. in post-petition arrearages are \$95,914.78 and \$5,787.09, respectively, as of July 13, 2017.

11. The automatic stay of Section 362 of the Bankruptcy Code should be terminated with respect to the interest of Wells Fargo Bank, N.A. in the Mortgaged Premises, pursuant to Section 362(d)(1).

12. The Co-Debtor Stay of Section 1301 of the Bankruptcy Code as to Gilberto Carrasquillo should be terminated with respect to the interest of Wells Fargo Bank, N.A. in the Mortgaged Premises, pursuant to Section 1301(c).

WHEREFORE, Wells Fargo Bank, N.A. respectfully requests this Honorable Court to enter an order terminating the Automatic Stay and Co-Debtor Stay as to Gilberto Carrasquillo as they affect the interest of Wells Fargo Bank, N.A. in the Mortgaged Premises of the Debtor specifically identified in the Mortgage, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)

Kimberly A. Bonner (89705)

Manley Deas Kochalski LLC

P.O. Box 165028

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Telephone: 614-220-5611

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

Contact email is kvelter@manleydeas.com

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay and Co-Debtor Stay with 30-Day Waiver to permit Wells Fargo Bank, N.A. to foreclose on 11614 Hendrix Terrace, Philadelphia, PA 19116 (First Mortgage) was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500,
Philadelphia, PA 19107

Frederick L. Reigle, Chapter 13 Trustee, Chapter 13 Trustee, 2901 St. Lawrence Ave.,
Reading, PA 19606

Brad J. Sadek, Attorney for Diane Rossi and Gilberto Carrasquillo, Sadek and Cooper, 1315 Walnut Street, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on August 2, 2017:

Diane Rossi and Gilberto Carrasquillo, 11614 Hendrix Terrace, Philadelphia, PA 19116

Wells Fargo Bank Nv Na, Po Box 31557, Billings, MT 59107

DATE: August 2, 2017

/s/ Karina Velter

Karina Velter, Esquire (94781)

Kimberly A. Bonner (89705)

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